

**OFFICE OF THE GENERAL COUNSEL**  
**Division of Operations-Management**

**MEMORANDUM OM 07-16**

**November 29, 2006**

**TO:** All Regional Directors, Officers-in-Charge,  
and Resident Officers

**FROM:** Richard A. Siegel, Associate General Counsel

**SUBJECT:** Pleadings Manual Revisions – Answer Requirement

As set forth in Memorandum OM 07-07 (Revised), parties may now utilize the electronic filing system on the Agency's website to file Answers to Complaints and Compliance Specifications with the Regional Offices.<sup>1</sup> Accordingly, Pleadings Manual Section 1100 (Answer Requirement and Notice of Hearing) and Section 1101 (Answer Requirement – Consolidated Complaint and Compliance Specification and Notice of Hearing) have been revised to incorporate this E-Filing policy. See Attachments. These revisions will also be made to the Pleadings Manual on the Agency's intranet.

If you have any questions regarding this memorandum, please contact your AGC or Deputy or the undersigned.

/s/  
R.A.S.

cc: NLRBU

Attachments

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<sup>1</sup> Paper copies (an original and four copies) must also be sent to the Regional Office so that they are received by that office no later than three (3) business days after the date of the electronic filing.

**ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the (consolidated) complaint. The answer must be **received by this office on or before [set forth date 14 days from issuance, unless that date is a holiday], or postmarked on or before [set forth date of the day before the due date]**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. A failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. When an answer is filed electronically, an original and four paper copies must be sent to this office so that it is received no later than three business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, the

Board may find, pursuant to a Motion for Default Judgment, that the allegations in the [consolidated] complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **[date]**, **[time]** at **[hearing site]**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this (consolidated) complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

**ANSWER REQUIREMENT—CONSOLIDATED  
COMPLAINT AND COMPLIANCE SPECIFICATION  
AND NOTICE OF HEARING**

**ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20, 102.21, and 102.56 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint and compliance specification. The answer must be **received by this office on or before [set forth date 21 days from issuance, unless that date is a holiday], or postmarked on or before [set forth date of the day before the due date]**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. A failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. When an answer is filed electronically, an original and four paper copies must be sent to this office so that it is received no later than three business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by

means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

As to all matters set forth in the compliance specification [paragraphs \_\_\_\_\_ to \_\_\_\_\_] that are within the knowledge of Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial is not sufficient. See Section 102.56(b) of the Board's Rules and Regulations, a copy of which is attached. Rather, the answer must state the basis for any disagreement with any allegations that are within the Respondent's knowledge, and set forth in detail Respondent's position as to the applicable premises and furnish the appropriate supporting figures.

If no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint and compliance specification are true. If the answer fails to deny allegations of the compliance specification [paragraphs \_\_\_\_\_ to \_\_\_\_\_] in the manner required under Section 102.56(b) of the Board's Rules and Regulations, and the failure to do so is not adequately explained, the Board may find those allegations in the compliance specification are true and preclude Respondent from introducing any evidence controverting those allegations.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **[date]**, **[time]**, at **[place]**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated complaint and compliance specification. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.